

outdated and unnecessary language from Sections 4.02(f)(1), 4.02(f)(1)(ii) and 4.02(f)(7)(iv).

EPA Evaluation

EPA has reviewed the amendments to both the GEP stack height provisions and the alternative compliance schedules provisions in Section 4.02, and considers the amendments to the alternative compliance schedules to be acceptable. Virginia is required to submit these alternative compliance schedules to EPA for consideration as separate SIP revisions. Virginia has followed this procedure and EPA is currently reviewing several alternative compliance schedules as SIP revisions. The State has also assured EPA that it has revised its reasonable further progress toward attainment of the ozone standard in order to accommodate these alternative compliance schedules. No alternative compliance schedule will be approved as a SIP revision by EPA unless it is consistent with attainment and maintenance of the ozone standard in areas where the standard has been attained and the achievement of reasonable further progress toward attainment in areas where the standard has not been attained.

With regard to Virginia's GEP stack height provisions found in Section 1.02, 2.33(a)(5)(iii), 4.02(g) and 5.02(f), EPA finds all of these amendments to be acceptable in meeting the stack height requirements outlined in 40 CFR 51.1, 51.12 and 51.18. Although the Virginia regulations make no specific reference to the EPA technical documents for fluid models or field studies, EPA will require Virginia to follow EPA procedures as outlined in these technical documents, should the need arise. See 47 FR 5865.

EPA Actions

Based on the above evaluation, EPA approves the amendments to Sections 1.02, 2.33, 4.02 and 5.02 described above as revisions to the Virginia State Implementation Plan. Accordingly, 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) is revised to incorporate these amended Virginia regulations into the approved Virginia SIP.

The public is advised that this action will become effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and other notices will be published before the effective date. One

notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. Section 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 9709.)

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 14, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Intergovernmental relations, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 172 of the Clean Air Act, as amended; 42 U.S.C. 7410 and 7502)

Dated: September 9, 1983.

William D. Ruckelshaus,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Title 40, Part 52, Subpart VV of the Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. Section 52.2420 is revised by adding paragraph (c)(81) as follows:

§ 52.2420 Identification of Plan.

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(c) * * *

(81) Amendments to Sections 1.02, 2.33, 4.02, and 5.02 of the Virginia Regulations for the Control and Abatement of Air Pollution submitted on January 24, 1983 by the Virginia State Air Pollution Control Board.

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40 CFR Part 52

[A-5-FRL 2434-2]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Today's rulemaking announces final approval of Consent Order APC No. 12-1980, for the Hayes-Albion Corporation and Permits 341-79 and 375-79 for the American Colloid Plant, as a revision to the Michigan State Implementation Plan (SIP) in Calhoun County. Consent Order APC No. 02-1980, contains control measures beyond the present requirements of Michigan's Rule 336.1301 and 336.1331 for reducing total suspended particulate (TSP) emissions. EPA's action is based upon a proposed revision to the SIP submitted by the State.

EFFECTIVE DATE: This action is effective October 17, 1983.

ADDRESSES: Copies of the revision and other materials relating to this rulemaking are available at the following addresses (It is recommended that you telephone the contact person listed below, before visiting the Region V Office.):

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460

Environmental Protection Agency, Air and Radiation Branch, Region V, Regulatory Analysis Section, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Library, Environmental Protection Agency, 401 M. Street, SW., Washington, D.C. 20460

Michigan Department of Natural Resources, Air Quality Division, 7150 Harris Drive, Lansing, Michigan 48909

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section (5AR-26), Air and Radiation Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air and Radiation Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street,

Chicago, Illinois 60604, (312) 886-6037

SUPPLEMENTARY INFORMATION: In the May 6, 1980, *Federal Register* (45 FR 29790), EPA approved a strategy developed by the State of Michigan for attaining the primary and secondary TSP National Ambient Air Quality Standards (NAAQS). For the Albion primary TSP nonattainment area, that strategy consisted of developing source-specific abatement orders requiring more stringent controls than the generally applicable requirements of Michigan Rules 336.1301 and 336.1331. In the May 6, 1980, *Federal Register*, EPA stated that the source-specific Abatement Orders were to be submitted to EPA for review and approval as revisions to the Michigan SIP.

On April 5, 1982, the State of Michigan submitted Consent Order APC No. 02-1980 to EPA for the Hayes-Albion Corporation, along with alterations to Section 5(D) of the Consent Order. The Hayes-Albion foundry is located in Calhoun County.

On June 18, 1982, the State of Michigan submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for major air cleaning devices at Hayes-Albion as part of its SIP revision. These plans contain specific measures for reducing TSP emissions and have been implemented by the dates specified in Consent Order APC No. 02-1980.

On October 25, 1982 (47 FR 47245), EPA announced the availability of this revision and took final action to approve it. In that notice, EPA advised the public that it was deferring the effective date of its approval for 60 days, until December 27, 1982, to provide an opportunity for submittal of comments on the revisions. EPA also announced that, if within 30 days of the publication of its final approval notice, someone wished to submit an adverse or critical comment, EPA would withdraw its approval and begin a new rulemaking by proposing the action and establishing a 30-day comment period.

On November 19, 1982, EPA received notice that someone wished to comment. Therefore, in accordance with the procedure described above, EPA on March 8, 1983 (48 FR 9642), withdrew its October 25, 1982 (47 FR 47245), approval of this revision to the Michigan SIP for the Hayes-Albion Corporation (Consent Order APC No. 02-1980) and permits 341-79 and 375-79 for the American Colloid Plant. Also, on March 8, 1983 (48 FR 9665), EPA proposed approval of the revision announcing a 30 day comment period. During the comment period, EPA received only one comment from the State of Connecticut.

Comment: The State of Connecticut

objected to the reliance on rollback rather than air quality modeling to satisfy the requirements for an ambient equivalence demonstration for this alternative emission reduction plan (i.e., bubble). The commentor states that whenever a source requests a permit, variance or otherwise modifies a previous requirement, that a complete modeling analysis of the entire source should be undertaken.

Response: EPA believes the commentor has mistaken this SIP revision as a "bubble" which would entail meeting the requirements of EPA's proposed Emission Trading Policy Statement (April 7, 1982, 47 FR 15076). Instead, this rulemaking consists of a Consent Order for Hayes-Albion and permits for American Colloid which were submitted by the State of Michigan in order to satisfy the Part D requirements for TSP as noted by EPA in the May 6, 1980, *Federal Register*. This revision does require additional emission reductions exceeding 1700 tons/year and represents greater than RACT level control at most affected sources. However, this revision does not relax any existing Michigan rule and is not a "bubble". In addition, EPA reviewed the attainment demonstration provided by Michigan and believes it to be consistent with the air quality analysis procedures outlined in the May 6, 1980, *Federal Register* for several TSP nonattainment areas in Michigan. The commentor's statement concerning a complete modeling analysis is consistent with present EPA policy for most TSP SIP revisions with the exception of some "bubbles" for which EPA has proposed more limited modeling procedures under certain circumstances.

EPA has reviewed the comment presented above, and believes that its technical reviews dated June 22, 1982, September 21, 1982, and June 15, 1983 for the Hayes-Albion Consent Order APC No. 02-1980 and American Colloid Permits 341-79 and 375-79 support approval of this SIP revision. In addition, EPA believes that the TSP emissions reduction requirement in Consent Order APC No. 02-1980, including the Fugitive Dust Control Plan and a Malfunction Abatement Plan developed by Hayes-Albion Corporation pursuant to the consent order, along with the American Colloid permits are an acceptable TSP plan for the Albion nonattainment area in Calhoun County, and will provide for air quality improvements and attainment of the TSP NAAQS.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 Executive Order 12291.

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 14, 1983. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxide, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1982. (Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: September 9, 1983.

William D. Ruckelshaus,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X—Michigan

Section 52.1170 is amended by adding paragraph (c)(60) as follows:

§ 52.1170 Identification of plan

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(c) * * * * *

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(60) On April 5, 1982, the State of Michigan submitted Consent Order APC No. 02-1980 along with alterations to Section 5(D) of the Consent Order for the Hayes-Albion foundry in Calhoun County. The Consent Order contains control measures beyond the present requirements of Michigan's R336.1301 and R336.1331 for Total Suspended Particulate (TSP) emissions and evaluation methods for determining significant particulate emission sources from the foundry. On June 18, 1982, the State of Michigan also submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for the Hayes-Albion foundry. On September 21, 1982, the State of Michigan formally submitted Permits 314-79 and 375-79 for the American Colloid Plant.

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